

## **APPENDIX A – CORRESPONDENCE AND COMMENTS**

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## **Appendix A - Correspondence and Comments**

### **COMMENTS FROM MIKE BUTLER**

Re: Transmission line upgrade for Ocoee #2 and Ocoee #3

Janan Hay,

The Tennessee Wildlife Federation requests that TVA and CNF personnel provide a detailed examination of Alternative 1 within the analysis of work being proposed for new transmission lines for Ocoee #2 and #3. Your document of March 20, 2006 states "TVA and CNF determined that the first two alternatives would not meet the purpose and need as explained below and therefore will not be analyzed in detail." If this is true, then we must ask why was Alternative 1 created at all.

We believe, that while Alternative 1 is likely a more difficult and possibly expensive alternative to implement, it may be the most appropriate alternative to consider in this instance. The preferred alternative of cutting a permanent 100 foot by 4.6 mile easement across the national forest should be compared to this alternative within the objectives of the current Cherokee plan.

While the permanent early successional habitat created by such a right of way is desirable, given the lack of management over the whole of the Cherokee, we still believe a detailed analysis and consideration of Alternative 1 should be provided to the public.

Should TVA and CNF continue moving forward and deny our request, the Tennessee Wildlife Federation will declare its support for Alternative 1, and will work to see it implemented. Ideally, we would like to have an expanded alternative 1 to compare to the other alternatives - including the preferred alternative, in order to be able to make an informed decision as to which alternative might serve wildlife and the public interest best.

Thanks for your consideration of our request.

Sincerely,

Michael A. Butler  
Executive Director  
Tennessee Wildlife Federation  
300 Orlando Avenue, Suite 200  
Nashville, TN 37209  
615.353.1133 ext. 13  
mabutler@tnwf.org  
emailed on 03/27/2006



DATE: 18 - April - 06

TO: TVA NEPA Administration  
Peter K. Scheffler  
400 West Summit Hill Drive  
Knoxville, TN 37902

Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
P.O. Box 455  
Cherokee, NC 28719  
Ph: 828-488-0237 Fax 828-488-2462

**RECEIVED**  
Environmental Policy and Planning

APR 24 2006

Doc. Type: Environmental Assessment - Admin. Records  
Index Field: Agency Comment  
Project Name: Ocoee 2-3 Transmission Line Replace  
Project No.: 2004-134

**PROJECT(S): Proposed replacement of existing transmission line between the Ocoee #2 and Ocoee #3 powerhouses, Ocoee National Forest, Ocoee / Hiwassee Ranger District.**

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians is in receipt of the notification to act as a consulting party for the above-referenced project information and would like to thank you for the opportunity to comment on this proposed Section 106 activity. The EBCI THPO accepts the invitation to act as a consulting party on the above referenced Section 106 undertaking(s) as mandated under 36 C.F.R. 800.

The project's location is within the aboriginal territory of the Cherokee people. Additionally, project's location within the limits of the Cherokee Nation prior to removal obligates the EBCI THPO to request a phase I investigation of the projects Area of Potential Effect (APE). Potential Cherokee cultural resources may be threatened due to adverse effects expected from the level of ground disturbance required for this project. Please send all related archaeological and cultural resource investigatory materials to this office for review and comment.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 488-0237 ext 2.

Sincerely,

  
Tyler B. Howe  
Tribal Historical Preservation Specialist  
Eastern Band of Cherokee Indians

Cc: Janan Hay

File Code: 1950-1  
Date: April 9, 2006

Janan Hay  
Tellico Ranger District  
250 Ranger Station Road  
Tellico Plains, TN 37385

Subject: Ocoee 2-3 TL Replacement

I have reviewed the proposed issuance of a special use permit for the subject project, and appreciate the opportunity to provide comments. Alternative #4 would construct a new transmission line, with associated structures, along a corridor well south of the Ocoee River Corridor, and the existing Right Of Way (ROW). This new ROW will cross two Forest Service Trails: The Benton MacKaye/ West Fork Trail located just to the west of FDR 45, and the Thunder Rock Express Trail just to the east of Little Cassaway Creek. The proposed action would clear the ROW of trees and vegetation. This removal could include the use of bulldozers, skidders, tractors, and/or low ground-pressure feller-bunchers. The use of this equipment across these two trails will result in a temporary adverse impact to the trails, and may require the closing of these trails during the construction phase to ensure the safety of trail users.

I would recommend that the Forest Service make the following two conditions a part of the special use permit, if Alternative #4 is the preferred alternative:

1. That TVA coordinate with the appropriate Forest Service personnel prior to beginning construction activities impacting these two trails, so that an evaluation concerning trail closure and rerouting can be made. This condition may be necessary to ensure the safety of forest users.
2. That TVA, upon completion of the project for the area impacting these two trails, return the trail segments within the ROW to Forest Service trail maintenance standards. This return to maintenance standards should be verified by Forest Service personnel as a condition of the special use permit.

Thank you for your consideration of these comments and recommendations. I look forward to working with the Forest Service and TVA to continue to maintain the excellent trail experience for all trail users in the Ocoee District.

Sincerely,

*Ken Jones*  
Ken Jones  
808 Oakland Dr.  
Athens, TN 37303  
Phone: 423-745-2451

OPTIONAL FORM 99 (7-99)		# of pages = 1	
<b>FAX TRANSMITTAL</b>			
To	Peter Schaffler	From	J. Hay
Dept./Agency	TVA	Phone #	423-253-8405
Ext #	865-632-6855	Fax #	
NSN 7540-01-217-7008		5010-101 GENERAL SERVICES ADMINISTRATION	



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

September 27, 2006

Dr. Patricia B. Cox  
Senior Botanist  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902

Re: FWS #06-I-0314

Dear Dr. Cox:

Thank you for your email of September 25, 2006, transmitting a biological evaluation for the bald eagle, Indiana bat, and small-whorled pogonia for the construction of a new 161kV transmission line from Ocoee 3 powerhouse to Ocoee 2 powerhouse in Polk County, Tennessee. Fish and Wildlife Service biologists have reviewed the document and we offer the following comments.

Provided that the project is constructed as described in the biological evaluation, with measures to protect the nesting bald eagles on Parksville Lake, we concur that the project is not likely to adversely affect the bald eagle, Indiana bat, or small-whorled pogonia. In view of this, we believe that the requirements of section 7 of the Endangered Species Act have been fulfilled. Obligations under section 7 must be reconsidered, however, if: (1) new information reveals that the proposed project may affect listed species in a manner or to an extent not previously considered, (2) the proposed project is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed project.

Thank you for the opportunity to comment. If you have any questions, please contact Jim Widlak of my staff at 931/528-6481, ext. 202.

Sincerely,

A handwritten signature in cursive script, reading "Lee A. Barclay", is positioned above the printed name.

Lee A. Barclay, Ph.D.  
Field Supervisor